

Decision 02-01-028 January 9, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Gorgee Enterprises, Inc., et al.,

Complainants,

vs.

Aram Davtyan, an individual dba Americas
Dream Limousine Service,

Defendant.

Case 01-01-008
(Filed January 3, 2001)

ORDER EXTENDING STATUTORY DEADLINE

We extend the deadline for resolving this adjudicatory proceeding until April 30, 2002. Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. The 12-month deadline for resolving this matter is January 3, 2002. An extension is reasonable to accommodate issuance of the presiding officer's decision (POD) and any ensuing appeal or request for review.

Background

Hearings were held on July 30 and August 1, 2001. Parties requested until October 10, 2001, to file briefs, and this proceeding was submitted on that date. On May 7, 2001, Defendant sold the business that is the subject of this complaint.

On October 24, 2001, the Commission administratively revoked Defendant's permit.

Discussion

Because of the nearness of the approaching deadline, and the fact that the case has not yet concluded, this order is issued to provide the findings required by § 1701.2(d). This case cannot be concluded within 12 months of initiation. We anticipate the POD will mail no later than 30 days after the statutory deadline. Although the POD is expected to issue shortly, even issuance of the POD before the statutory deadline would not necessarily "resolve" the matter, because parties have 30 days thereafter to appeal; similarly, a Commissioner has 30 days to request a review of the POD by the full Commission. In those situations, additional time would be necessary to permit the Commission to render its final decision.

Accordingly, we find that the 12-month deadline for processing this case pursuant to Pub. Util. Code § 1701.2(d) cannot be met, and that an extension in the schedule will be required to allow for adequate time to review potential appeals or requests for review. An extension through April 30, 2002, should provide a reasonable allowance of time to conclude the proceeding.

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable statutory deadline for public review and comment is being waived.

Findings of Fact

1. This proceeding was initiated on January 3, 2001.
2. The proceeding was submitted on October 10, 2001.

3. Defendant sold America's Dream Limousine Service on May 7, 2001.
4. The Commission administratively revoked Defendant's permit on October 24, 2001.
5. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before January 3, 2002, unless this date is extended.
6. The current schedule allows insufficient time to resolve this proceeding before the 12-month statutory deadline runs.
7. An extension through April 30, 2002, is necessary to allow time for issuance of the POD and for Commission consideration of any appeal or request for review of the POD.
8. Public review and comment regarding today's decision should be waived.

Conclusions of Law

1. Pub. Util. Code § 1701.2(d) requires that adjudication cases be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline.
2. The findings set forth above are sufficient to justify why the 12-month deadline cannot be met.
3. The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended, effective immediately.

O R D E R

IT IS ORDERED that the 12-month statutory deadline in this proceeding, is extended until April 30, 2002.

This order is effective today.

Dated January 9, 2002, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

RICHARD A. BILAS

CARL W. WOOD

GEOFFREY F. BROWN

Commissioners